

Board of Health
Meeting Minutes

Board Members:

Margie LaFleur, Chairperson; Phil Durno, Member; Virginia Malouin, Member

Staff:

Kalene Gendron, Health Agent; Brynn Montesanti, Secretary

Attendees: See attendance sheet

Mrs. LaFleur opened the meeting at 6:02PM and announced the meeting is being televised by Pepperell Community Media and audio recorded by the Board secretary.

8/7/2018 - Minutes

1. **Working Session 6:00 - 6:05PM**

2. **Acceptance of Minutes**

a. **6/19/18 Executive Meeting Minutes**

EXECUTIVE SESSION

Roll call was taken. All members voted in favor to go into executive session at 7:56PM.

Mr. Durno motioned to accept executive session meeting minutes from 6/19/18. Mrs. Malouin seconds. All in favor.

Mrs. Malouin motioned to adjourn executive session. Mr. Durno seconds. All in favor. Executive session was closed at 7:59PM

b. **6/26/18**

Mr. Durno motions to approve. Mrs. Malouin seconds. All in favor. Minutes accepted.

c. **6/29/18**

Mr. Durno motions to approve. Mrs. Malouin seconds. All in favor. Minutes accepted.

d. **7/6/18**

Mr. Durno motions to approve. Mrs. Malouin seconds. All in favor. Minutes accepted.

3. **Appointments/New Business/Action Items/Permits**

a. **6:06PM - 41 Groton St, Unit 8 - Extension for violation list**

Kevin Feeley – AVA Properties – 30 Kay Marie Drive, Attleboro, MA – Matter went to litigation against his tenant, court approved in his favor. Tenant has since moved. Mr. Feeley needs more time to fix multitude of issues. Looking for extension to November, premises will remain vacant until violation list is fixed. Mr. Feeley asks for extension until November 20th. Mrs. Gendron recommends to grant extension. Mr. Durno motions to extend time to fix violations until November 20th. Mrs. Malouin seconds. All in favor.

b. **6:10PM - 17.5 West Street - Update on Trailer Permit**

Al Corbett & Christine Dutton – 17.5 West Street – Seeking extension of temporary trailer permit. Mr. Corbett explains he is trying to be placed on BOS agenda for August 13th. Currently he has power connected to house. Septic tank is in ground. Currently still no potable water, should be there week of 13th, currently having water delivered still. Foundation is still not completely signed off, it still needs to be raised, he has kept his focus on completing the septic tank, electric and grounds work. He has received an extension on his foundation permit. Mrs. Malouin asks for paperwork showing the house has been ordered, Mr. Corbett explains the house will be ordered the week of the 13th, it still is not ordered due to whom he is ordering the house from, John Molten, Mr. Corbett adds that this is out of his control. Mrs. Gendron reminds Board she still has not changed her stance, she recommends that the trailer be removed. Mrs. Malouin is still bothered by not having house ordered as of today, it is problematic.

Mrs. LaFleur reminds Mr. Corbett that this all should've been done a lot sooner, expresses that she is uncomfortable with the situation and the amount of time it has taken to complete tasks. Also Mrs. LaFleur reminds Mr. Corbett that the BOS permit is expired as well. Mr. Corbett explains he has hit delays, he is trying his best to live in this town, be a resident of this town. Mr. Durno reminds Mr. Corbett that the Board has bent over backwards, they are setting a precedent, rest of town is watching. Mr. Corbett states that by removing the trailer it would be a disruption to his kids and family, he is not trying to scam the town, trying to provide a normal life for his children and grandchildren, doing the best he can.

Mrs. Malouin asks for contracts for the septic system, Mrs. Gendron states she has those on file. Mrs. Malouin expresses concern that there isn't a written contract with the house company with actual specs, no dates provided.

Mr. Durno recommends to pull trailer, Mrs. LaFleur asks for a motion to pull trailer. Mrs. Malouin asks for hard dates, set dates for the house to be done. Mr. Corbett doesn't have set dates. Mrs. LaFleur says she is concerned that this could go into the winter again since Mr. Corbett has had multiple delays with company. Mrs. LaFleur asks have you paid them, Mr. Corbett says only for plans, he doesn't want to give them all the money up front.

Mr. Durno recommends to pull trailer. Mrs. Malouin seconds. Mrs. LaFleur asks for date for trailer to be removed from property.

Board discusses several dates determine August 31 is reasonable. Mrs. LaFleur asks for motion to amend. Mr. Durno amends motion to remove trailer by August 31, 2018. Mrs. Malouin seconds. All in favor.

c. 6:15PM - 19 Jersey Street - Trailer Permit

No one present at this time. Mrs. Gendron states the trailer has been removed.

d. 6:20PM - 51 Lawrence Street - Upgrade septic permit

Mrs. Gendron recommends to Board approval for permit. Mr. Durno motions to approve permit for the upgrade of septic. Mrs. Malouin seconds. All in favor.

4. Correspondence

5. Health Agent Comments

Housing inspections have become time consuming.

6. Matters That May Be Raised That the Chair Didn't Reasonably Anticipate

7. Old Business

a. Earth Filling Regulations draft discussion

Mrs. LaFleur respectfully asks audience for no comments as the Board continues with the draft of these regulations.

Mrs. Malouin begins workshop by going over the first half that was completed by Board secretary with a couple of items for discussion. In the section titled Administration, second page in the second paragraph can we add "QEP as appropriate" after "a Massachusetts LSP?" Mr. Durno and Mrs. LaFleur agree. Next item is 182-6, error that "3,000" in section B is supposed to be "1,500." Secretary takes note and will correct.

Secretary asks Mrs. Gendron to define under definitions "LSP," "QEP" and "Units of Measurement." Mrs. Gendron will add those definitions.

Under 182-7, Mrs. Malouin is inquiring if we should change "7 days" in section A to "14 days." Board determines we should change the number of days to 14.

In section 182-7 Mrs. Malouin would like to add a #18, "For sites being governed by an ACO under MDEP policy "COMM 15-01, the final grade elevation shall not exceed historical pre-excavation levels at the site." Board agrees.

Board resumes next section of draft. Items to add/change/modify:

- Change "100,000" to "30,000" throughout rest of document
- Change "planning board" to "BOH" throughout rest of document
- In section 182-7 item B, change "BOH" on second line to "Planning Board" and add "DEP." Change "Planning Board" in last line to "said boards"
- Change "Uxbridge bylaws" to "Pepperell regulations" throughout document
- Change "bylaw" to "regulation" throughout document
- Add "BOH" to definition list
- In Section 182-8 item B, Board discusses "For any fill having originated from sites under the jurisdiction of MGL Chapter 21E, material characterization data and the site Release Tracking Number (RTN) shall be additionally provided. For any fill having originated from sites outside of Massachusetts, material characterization data shall be additionally provided." Board decides to seek attorney clarification on this.
- In 182-8 item G after LSP add "or QEP"
- Also in 182-8 item G, second paragraph, line 1 omit "all" and after the word "permits" add "greater than 30,000 cubic yards"
- Board begins discussion on 182-8 item H, Environmental Liability – Board determines to change "Planning Board" to "Board of Selectman." Further discussion about an AUL, Activities & Use Limitations transpires at which point Board determines to seek attorney clarification on this section as well as item I, General Liability
- In section 182-10 section A and B after LSP, add "or QEP"
- In section 182-10 item C change "November" to "September" and change "Planning Board" to "BOH and BOS"

- In section 182-14, first paragraph change "30 days" to "14 days"

Mrs. Gendron recommends to make these changes and meet again to accept the draft regulations as we are running into our deadline. Board decides to meet on August 13 at 8:30am so as to vote if necessary and provide to Town Administrator for submission to attorney.

b. Nashua Road gravel reclamation discussion

Mrs. LaFleur asks audience if they have anything "new" that they would like to ask the Board

David Kent – 23 Seminole Drive – How long will it be before these regulations be put in place? Mrs. LaFleur that these are a draft and then the BOS and attorneys must look at them, at this time we have no timeframe

Dave Lavender – 19 Deerfield Drive – Will you be accepting public comments on these draft? Mrs. Gendron explains that we do not have to have a public hearing to adopt these regulations. Mrs. Gendron asks chair to allow public to put forward questions, Mrs. LaFleur agrees

Dave Lavender – 19 Deerfield Drive – Asking Board to notify abutters more than just 300 feet, maybe a mile or two, they will all be affected by at the very least the noise. Mrs. LaFleur stated that they did make note to seek attorney recommendation on the "300 feet"

Jamie Myers – Hinckley Allen, law firm representing MCGI – Appreciates the efforts of the Board and residents, MCGI intends to work cooperatively with the Board and residents, it is the hope that this will be a collaborative process with residents and the town to get a full understanding and create a reasonable set of rules or regulations that protects the public health, safety and welfare and they always have an open door to answer questions and Mr. Peterson, the LSP can provide information on the technical aspects as well as answer any questions and address concerns

Phil Peterson – Terra Environmental – Mr. Peterson introduces himself to the audience and states that he thinks it is a great thing for the BOH to be discussing this and reminds the audience of the presentation on the 20th of August. Mrs. Gendron asks Mr. Peterson how many projects like these have you done, he answers that he has done one in MA and one in NH and a couple of landfill projects.

Mrs. Malouin to Chair, were you notified according to policy # COMM 15-01, dated 8/28/15? Policy states that there was supposed to be notification to the Chair of the Board of Health about a proposal of this nature, Mrs. LaFleur responds formally to me at this time that notification has not occurred.

c. 20L Wheeler Road - complaints received

Mrs. Gendron explains to Board that this property has an IA septic system, it was due for inspection on July 14, 2018, and at this time it has not been inspected. Mrs. Gendron is seeking permission of the Board to issue a non-compliance letter or do they recommend something else due to the history of deficiencies. Discussion continues about complaints received in regards to the property, Mrs. Gendron has conducted site visits with no answer. Mr. Durno motions to send enforcement letter. Mrs. Malouin seconds. All in favor.

8. Bill Warrant

a. Approve bill warrant

No bill warrant, it was a turnover.

9. Open Discussion

10. Future Meeting

Adding an additional meeting on 8/13/18, 8:30AM

a. **8/21/18**

Mrs. Malouin motioned to adjourn the open meeting. Mr. Durno seconds. All in favor. Meeting closed at 7:55PM.